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In re Application of: :
Bodo Rorig, et al. :
Application No.: 10/563,850 : DECISION
PCT Application No.: PCT/EP04/05922 :
Int. Filing Date: 02 June 2004 : UNDER
Priority Date: 09 July 2003 :
Atty Docket No.: 188.607 :
For: METHOD OF MAKING AN OUTTER LEVER OF : 37 CFR 1.137(b)
OF A SWITCHABLE FINGER LEVER :

This decision is in response to applicants' "PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION" filed 14 December 2006, which has been treated as a petition under 37 C.F.R. 1.137(b).

BACKGROUND

On 02 June 2004, applicant filed international application PCT/EP2004/005922, which designated the U.S. and claimed priority date of 09 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 10 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 January 2006.

On 05 January 2006, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration and an English translation.

On 12 April 2006, the Office mailed "NOTIFICATION OF MISSING REQUIREMENTS UNDER 37 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, the number of claims in the International Application and the number of claims in the translation are not the same.

On 08 May 2006, applicants submitted a response indicating that the English translation of the PCT claims will be supplied if the Patent Office requires it.

On 16 October 2006, the Office mailed "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating, *inter alia*, the number of claims in the International Application and the number of claims in the translation are not the same.

On 14 December 2006, applicants submitted, *inter alia*, a second copy of the English translation, a second copy of the international application and a "PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION".

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided a bona fide response to the Notification of Missing Requirements.

Regarding item (2), applicants have provided the required petition fee.

Regarding item (3), applicants have provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

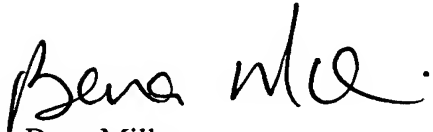
The declaration filed 05 January 2006 does not meet the requirement for acceptance under 37 U.S.C. 371 (c) because the declaration is defective. The declaration executes the specification "attached hereto" and a proper specification was not filed until 14 December 2006.

CONCLUSION

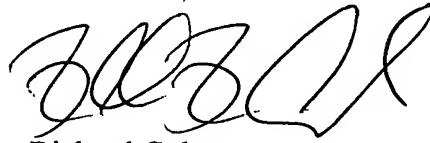
For the reasons noted above, petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for mailing a new "NOTIFICATION OF MISSING REQUIREMENTS UNDER 37 U.S.C. 371 (Form PCT/DO/EO/905), requiring a new declaration and the required late fees.



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